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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,173	04/11/2001	Jeffrey Jonathan Spurgat	11748/16	1523

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,173

Applicant(s)

SPURGAT ET AL.

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

This office action is in response to the correspondence received on January 26, 2006.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim features the newly amended phrase: "for receiving said encrypted or encoded digital signals from said peripheral bus and decrypting and decoding said encrypted and encoded data signals." The claim language is unclear. For example, it is not possible to "decode and decrypt" a signal if the received signal is only "encrypted." In this office action the examiner will interpret the bolded and underlined "and" terms as "or" within claim 1. Proper corrections are required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US Pat No: 6,697,944) in view of Birrell et al (US Pat No: 6,332,175), hereafter referred to as Jones and Birrell, respectively.

1. With regards to claim 1, Jones teaches through Birrell a secure architecture for encoded or encrypted digital audio files comprising: a computing platform for processing encrypted or encoded digital data, said computing platform including a host processor and a peripheral bus, said computing platform configured so that said peripheral bus is not-accessible by said audio or video playback software (Jones' design features a pc (Figure 1 and column 6, line 51 – column 7, line 4, Jones)); a peripheral including a separate processor, a peripheral bus interface (Figure 5 and column 9, lines 33-53, Jones), a timing generator and a digital-to-analog converter (DAC) for receiving said encrypted or encoded digital signals from said peripheral bus and decrypting or decoding said encrypting or encoded data signals, said timing generator configured to generate timing signals for said DAC (Timing generators are inherent components of digital designs such as Jones', column 10, lines 8-39 and column 14, lines 18-20, Jones), said peripheral also including a memory device for storing decoding or decryption software (Figure 5, element 86, Jones), said peripheral interface coupled to said peripheral bus for receiving said encrypted and encoded digital signals from said peripheral bus (Figure 5, element 68, Jones), said peripheral configured to decrypt or decode said encrypted or encoded digital data and generate a

decoded or decrypted analog output signal for playback by an external analog device (Figure 5, elements 82, 88, 92 and 94, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

2. With regards to claim 2, Jones teaches through Birrell the secure architecture, wherein said computing platform includes a network interface for receiving digital data from an external network (column 7, lines 38-40, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system

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and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

3. With regards to claim 3, Jones teaches through Birrell the secure architecture, wherein said peripheral bus is a USB bus (column 9, lines 37-53, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

4. With regards to claim 4, Jones teaches through Birrell the secure architecture, wherein said peripheral bus is a PCI bus (column 9, lines 37-53, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious

to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

5. With regards to claim 5, Jones teaches through Birrell the secure architecture, wherein said peripheral bus is a Fire Wire bus (Jones' design allows for the use of buses, it would have been obvious to have used a FireWire bus; column 9, lines 37-53, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

6. With regards to claim 6, Jones teaches through Birrell the secure architecture further including one or more user input devices (Figure 1, elements 40 and 42, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).

7. With regards to claim 7, Jones teaches through Birrell the secure architecture, wherein said computing architecture includes one or more local persistent storage devices (Figure 1, elements 29 and 60, Jones).

While Jones' design teaches the use of digital files for providing music (analog data), Jones does not specifically cite the use of a D/A converter.

In the same field of endeavor, Birrell teaches a portable audio system that connects to a host (column 4, lines 37-49, Birrell). The design features a D/A converter (Figure 1, element 126, Birrell). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Jones with those of Birrell, for the purpose of providing a system and method for storing a large volume of audio data in a portable audio player (column 2, lines 49-52, Birrell).



***Response to Remarks***

The amendment received on January 25, 2006 has been carefully examined but is not deemed fully persuasive. While the claim amendments have overcome the previous rejections, a new search was performed and the current office action has been compiled with more pertinent art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**